

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MARINA E. MARTINEZ and ESDRAS RAFAEL  
SANCHEZ SORIANO, individually and on behalf of all  
others similarly situated,

Case No.: 15-cv-3446

Plaintiffs,

-against-

APOGEE RETAIL LLC and APOGEE RETAIL NY LLC  
d/b/a UNIQUE THRIFT STORES,

Defendants.

ORDER OF DISMISSAL

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 27 2016 ★

LONG ISLAND OFFICE

WHEREAS the Defendant filed a Motion for Judgment on the Pleadings on December 15, 201<sup>5</sup> (ECF No. 24), dismissing the First Cause of Action Pursuant to FRCP 12(c), and dismissing the remaining causes of action based upon the New York Labor Law for lack of jurisdiction, and;

WHEREAS the Plaintiffs opposed said motion on December 15 201<sup>5</sup> (ECF No. 26); and

WHEREAS the Plaintiffs have further indicated by letter to the Court dated March 16, 2016 that they withdraw their opposition to the Defendant's Motion to dismiss; now

IT IS HEREBY ORDERED that the First Cause of Action asserting overtime violations of the FLSA on behalf of Esdras Rafael Sanchez Soriano be dismissed without prejudice;

ORDERED that the remaining causes of action arising under state law be and are hereby dismissed with<sup>for</sup> ~~out~~ prejudice for lack of jurisdiction;

ORDERED that the branch of the Defendant's Motion for Judgement on the Pleadings seeking sanctions pursuant to F.R.C.P. 11 is Denied;

ORDERED that the Clerk of the Court is directed to close this file.

SO ORDERED

Central  
F.R.P. NY  
4/27/16

✓  
VSDG, Leonard D. Walker